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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/657,823	09/08/2003	William J. Boyer JR.	61605-2	1156

22504 7590 11/25/2008

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EXAMINER	
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ART UNIT	**PAPER NUMBER**
3689	

MAIL DATE	DELIVERY MODE
11/25/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/657,823	BOYER ET AL.	
	Examiner	Art Unit	
	Gerardo Araque Jr.	3689	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 August 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-17* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-17* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Specification

1. The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. **Claims 12 – 14** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. **Claims 12 – 17** recite the limitation "**pickup location**" in **line 1 of the claims**. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 101

5. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. **Claims 1 – 17** are rejected under 35 U.S.C. 101 because based on Supreme Court precedent, and recent Federal Circuit decisions, the Office's guidance to examiner is that a § 101 process must (1) be tied to another statutory class (such as a particular apparatus) or (2) transform underlying subject matter (such as an article or materials) to a different state or thing. Diamond v. Diehr, 450 U.S. 175, 184 (1981);

Parker v. Flook, 437 U.S. 584, 588 n.9 (1978); Gottschalk v. Benson, 409 U.S. 63, 70 (1972); Cochrane v. Deener, 94 U.S. 780, 787-88 (1876).

An example of a method claim that would not qualify as a statutory process would be a claim that recited purely mental steps. Thus, to qualify as a § 101 statutory process, the claim should recite the other statutory class (the thing or product) to which it is tied, for example by identifying the apparatus that accomplishes the method steps, or positively recite the subject matter that is being transformed, for example by identifying the material that is being changed to a different state.

Here, applicant's method steps, fail the first prong of the new Federal Circuit decision since they are not tied to another statutory class and can be performed without the use of a particular apparatus. Thus, **claims 1 – 17** are non-statutory since they may are not tied to another statutory class.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. **Claims 1, 2, 3, 10, and 11** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Inselberg (US Patent 6,760,595 B2) in view of Maskell (Distribution Resource Planning) and in further view of Wakai (US Patent 5,973,722)**.

9. In regards to **claims 1 and 11**, **Inselberg** discloses a method comprising:

accepting a reservation for rental of a self-contained entertainment device for use on an event **(Col. 5 Lines 33 – 37 wherein the device is reserved ahead of time as part of the price of the ticket for the event)**;

Inselberg does not explicitly disclose:

adding the reservation to a manifest containing at least a count of self-contained entertainment devices reserved for an event.

However, one of ordinary skill looking upon the teachings of **Inselberg** would have noted that **Inselberg** discloses that the devices can be an additional cost added to the purchase of the ticket for the specified event. With that said, the Examiner asserts that one having ordinary skill in the art would have realized that a manifest would have been provided since **Inselberg** discloses that the electronic devices can be picked up at the event. In other words, one of ordinary skill in the art would have realized that a manifest must have been provided for each prepaid electronic device in order to prevent a customer paying twice for the rental of the device at a pickup station, determine the amount of devices needed, and to know which customers would have been required to pay for the rental of the device if it was not purchased during the purchase of admission.

Therefore, it would have been obvious to one having ordinary skill in the art that **Inselberg** does, indeed, disclose adding a reservation to a manifest in order to provide a list of the amount of entertainment devices needed.

However, **Inselberg** fails to explicitly disclose:

comparing the count of self-contained entertainment devices reserved for the event with a default number indicating how many entertainment devices are stored at the event;

if the count of self-contained entertainment devices reserved for the event is larger than the default number by a difference, then bringing to the event before the event commences an additional number of self-contained entertainment devices at least as large as the difference; and

wherein the self-contained entertainment devices are for in-flight use.

Maskell discloses that it is old and well known that comparing the amount of a product on hand with what is required is a well established concept in inventory control management. Specifically, **Maskell** discloses a DRP system with the ability to identify products that are in short supply at a specific location and transfers items from location to another in order to meet customer orders **(see at least Page 3 – Allocation of products in short supply)**. Consequently, one having ordinary skill in the art looking upon the teachings of **Maskell** would have found it obvious that it is old and well known to determine the amount of inventory at one location, compare the current stock at that location, and have additional products transferred if the current stock is too low to meet customer needs.

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify **Inselberg** with the teachings of **Maskell** in order to provide a method and system that controls the amount of inventory at a location in order

to meet customer orders as well as providing a balance of inventory at different locations by transferring products from one location to another.

Inselberg discloses that the entertainment devices can be used at a variety of locations and events without changing the teaching of renting out entertainment devices to customers. In other words, the location does not change how the method carries out the rental.

However, for purposes of expediting prosecution **Wakai** discloses that it is old and well known for airlines to have in-flight entertainment and to rent the devices for enjoying the in-flight entertainment.

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify the teachings **Inselberg and Maskell** to include in-flight entertainment, as taught by **Wakai**, in order to expand their audience.

10. In regards to **claim 2**, **the combination of Inselberg, Maskell, and Wakai** fails to explicitly disclose further including delivering the manifest to the aircraft before the commercial airline flight commences.

However, as discussed above, **Inselberg** discloses that a manifest must be provided in order to know how many devices will be needed and if the current inventory meets the required demand. Consequently, one having ordinary skill in the art would have found it to be common sense for the manifest to be available before an event in order to ensure that the demand can be met by providing all of the requested devices before the event, in this case before the flight, and providing the necessary information to determine which customers have rented a device.

11. In regards to **claim 3**, **the combination of Inselberg, Maskell, and Wakai** discloses wherein the reserving further includes reserving a commercial airline flight **(Col. 5 Lines 33 – 37; wherein Inselberg discloses that the device can be part of the price of admission, i.e. purchase of the ticket to the event)**.

12. In regards to **claim 10**, **Inselberg** discloses a method comprising:

accepting a reservation for rental of a self-contained entertainment device for use on during an event **(Col. 5 Lines 33 – 37 wherein the device is reserved ahead of time as part of the price of the ticket for the event)**.

Inselberg does not explicitly disclose:

adding the reservation to a manifest containing at least a count of self-contained entertainment devices reserved for the event.

However, one of ordinary skill looking upon the teachings of **Inselberg** would have noted that **Inselberg** discloses that the devices can be an additional cost added to the purchase of the ticket for the specified event. With that said, the Examiner asserts that one having ordinary skill in the art would have realized that a manifest would have been provided since **Inselberg** discloses that the electronic devices can be picked up at the event. In other words, one of ordinary skill in the art would have realized that a manifest must have been provided for each prepaid electronic device in order to prevent a customer paying twice for the rental of the device at a pickup station, determine the amount of devices needed, and to know which customers would have been required to pay for the rental of the device if it was not purchased during the purchase of admission.

Therefore, it would have been obvious to one having ordinary skill in the art that **Inselberg** does, indeed, disclose adding a reservation to a manifest in order to provide a list of the amount of entertainment devices needed.

However, **Inselberg** fails to explicitly disclose:

comparing the count of self-contained entertainment devices reserved for the event with a default number indicating how many in-flight entertainment devices are kept at a pickup location near origination of the event;

if the count of self-contained entertainment devices reserved for the event is larger than the default number by a difference, then bringing to the pickup location before the event commences an additional number of self-contained entertainment devices at least as large as the difference; and

wherein the self-contained entertainment devices are for in-flight use.

Maskell discloses that it is old and well known that comparing the amount of a product on hand with what is required is a well established concept in inventory control management. Specifically, **Maskell** discloses a DRP system with the ability to identify products that are in short supply at a specific location and transfers items from location to another in order to meet customer orders **(see at least Page 3 – Allocation of products in short supply)**. Consequently, one having ordinary skill in the art looking upon the teachings of **Maskell** would have found it obvious that it is old and well known to determine the amount of inventory at one location, compare the current stock at that location, and have additional products transferred if the current stock is too low to meet customer needs.

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify **Inselberg** with the teachings of **Maskell** in order to provide a method and system that controls the amount of inventory at a location in order to meet customer orders as well as providing a balance of inventory at different locations by transferring products from one location to another.

Inselberg discloses that the entertainment devices can be used at a variety of locations and events without changing the teaching of renting out entertainment devices to customers. In other words, the location does not change how the method carries out the rental.

However, for purposes of expediting prosecution **Wakai** discloses that it is old and well known for airlines to have in-flight entertainment and to rent the devices for enjoying the in-flight entertainment.

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify the teachings **Inselberg and Maskell** to include in-flight entertainment, as taught by **Wakai**, in order to expand their audience.

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13. **Claims 4, 12, 13, and 14** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Inselberg (US Patent 6,760,595 B2) in view of Maskell (Distribution Resource Planning) in further view of Wakai (US Patent 5,973,722) and in further view of Official Notice**.

14. In regards to **claim 4**, **the combination of Inselberg, Maskell, and Wakai** discloses transferring the additional requested items from one location to another **(Maskell; Page 3 Allocation of products in short supply)**.

However, **the combination of Inselberg, Maskell, and Wakai** fails to explicitly disclose that the delivering is carried out by a truck.

However, **Official Notice** is taken that there are various methods of delivering items and, as a result, it would have been obvious to one having ordinary skill in the art that delivering items in a truck are just one of the many methods of delivery.

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify **the combination of Inselberg, Maskell, and Wakai** in view of **Official Notice** to deliver the requested items in a truck in the event that a large delivery is required.

15. In regards to **claim 12**, **the combination of Inselberg, Maskell, and Wakai** fails to explicitly disclose wherein the pickup location is inside of a high security area.

However, **Official Notice** is taken that it is old and well known for public areas, such as sporting arenas and airports, to contain high security areas, especially where expensive items are being sold or rented. In other words, one having ordinary skill in the art would have found it obvious to store and distribute expensive items in a high security area such as after gate entrances of sporting arenas and airports.

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify the **combination of Inselberg, Maskell, and Wakai** in view of **Official Notice** to have the pickup locations inside a high security area.

16. In regards to **claim 13**, **Inselberg** discloses wherein the pickup location is a kiosk counter or a gate counter **(Col. 5 Lines 60 – 32)**.

In regards to **claim 14**, **the combination of Inselberg, Maskell, and Wakai** fails to explicitly disclose wherein the pickup location is a counter of a rental car agency.

However, the Examiner considers that the fact that the pickup location is a counter of a rental car agency to be nonfunctional descriptive subject matter. That is to say, the location of where the pickup location adds little, if anything, to the claim's structure, and, thus, does not serve as a limitation on the claim to distinguish it over the prior art. As claimed, the steps of the invention would be performed the same regardless of the location.

Moreover, the Examiner further asserts that rental car agencies are usually found on airport premises and that there are several services that are associated with a passengers flight can be carried out by a car rental agency. Furthermore, it is also old and well known for car rentals, flight reservation, and hotel accommodations to be associated with each other and brought at the same time flight packages and, as a result, it would have also been obvious to one having ordinary skill in the art for a car rental agency to serve as a pick up location for an IFE service or device when a passenger is dropping off a vehicle prior to take-off, for example.

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify **the combination of Inselberg, Maskell, and Wakai** to have a car rental agency serve as a pickup location for IFE devices.

17. **Claims 5 and 7** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Inselberg (US Patent 6,760,595 B2) in view of Wakai (US Patent 5,973,722)**.

18. In regards to **claims 5 and 7**, **Inselberg** discloses a method comprising:

reserving for rental of one of a plurality of self-contained entertainment devices for use during an event **(Col. 5 Lines 33 – 37 wherein the device is reserved ahead of time as part of the price of the ticket for the event)**;

receiving a voucher associated with the reserving **(obviously included wherein a ticket must be provided in order to enter the event, such as in a sporting event)**;

exchanging the voucher for one of the plurality of self-contained entertainment devices **(obviously included since a ticket must be submitted before entering an event; Col. 5 Lines 20 – 37; wherein Inselberg discloses that kiosks are provided and one having ordinary skill in the art would have found it obvious that in order to access the kiosks, where the devices are provided for the event, a ticket must be provided, which provides admission to the event, such as a sporting event,)**;

using the self-contained entertainment device during an event **(Col. 2 Lines 34 – 63; wherein the devices are used during an event)**; and

exchanging the self-contained entertainment devices for a return acknowledgement **(Col. 5 Lines 27 – 32; wherein the devices are returned)**.

Inselberg discloses that the entertainment devices can be used at a variety of locations and events without changing the teaching of renting out entertainment devices

to customers. In other words, the location does not change how the method carries out the rental.

However, for purposes of expediting prosecution **Wakai** discloses that it is old and well known for airlines to have in-flight entertainment and to rent the devices for enjoying the in-flight entertainment.

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify the teachings **Inselberg** to include in-flight entertainment, as taught by **Wakai**, in order to expand their audience.

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19. **Claims 6, 8, 9, 15, 16, and 17** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Inselberg (US Patent 6,760,595 B2) in view Wakai (US Patent 5,973,722) and in further view of Official Notice**.

20. In regards to **claim 6**, **the combination of Inselberg and Wakai** fails to disclose wherein the return acknowledgement is an electronic document or a paper document.

However, **Inselberg** discloses that after the event is over and the customer has no more use for the device, the device is returned at the kiosk. Although, **Inselberg** does not show that that the return acknowledgement is an electronic document or a paper document the Examiner takes **Official Notice** that it is old and well known for many businesses to provide some type of documentation indicating the return of a piece of equipment in order to allow the customer to leave a specified area as well as

providing a means for the business to have a simple security feature for securing the business's assets.

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention in view of **Official Notice** to modify the **combination of Inselberg and Wakai** to provide some type of documentation when an item is returned in order to provide the customer with a means of providing proof that the device was returned as well as providing the business with the satisfaction of a simple security feature for the means of ensuring that property is properly returned.

21. In regards to **claim 8**, **Inselberg** discloses a method comprising:

accepting a reservation for rental of a self-contained entertainment devices for use by a person during an event **(Col. 5 Lines 33 – 37 wherein the device is reserved ahead of time as part of the price of the ticket for the event)**.

However, **Inselberg** fails to explicitly disclose:

determining if any number of a plurality of self-contained in-flight entertainment devices stored on board the aircraft require deletion of stored audiovisual presentations and addition of other audiovisual presentations and if so, delivering a quantity of the other self-contained in-flight entertainment devices having the other audiovisual presentations stored to the aircraft for exchange with the any number of self-contained in-flight entertainment devices requiring deletion of store audiovisual presentations.

wherein the self-contained entertainment devices are for in-flight use.

Inselberg discloses that the entertainment devices can be used at a variety of locations and events without changing the teaching of renting out entertainment devices

to customers. In other words, the location does not change how the method carries out the rental.

However, for purposes of expediting prosecution **Wakai** discloses that it is old and well known for airlines to have in-flight entertainment and to rent the devices for enjoying the in-flight entertainment.

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify the teachings **Inselberg** to include in-flight entertainment, as taught by **Wakai**, in order to expand their audience.

However, **the combination of Inselberg and Wakai** fails to disclose:

determining if any number of a plurality of self-contained in-flight entertainment devices stored on board the aircraft require deletion of stored audiovisual presentations and addition of other audiovisual presentations and if so, delivering a quantity of the other self-contained in-flight entertainment devices having the other audiovisual presentations stored to the aircraft for exchange with the any number of self-contained in-flight entertainment devices requiring deletion of store audiovisual presentations.

However, **Wakai** does disclose that the in-flight entertainment devices can be preloaded with entertainment, such as movies, video games, and etc. As a result, **Official Notice** is taken that it would have been obvious to one having ordinary skill in the art to exchange the newly ordered IFE devices with the IFE devices already stored on the plane which may be obsolete or having contained outdated entertainment. That is to say, it is old and well known for unnecessary weight, i.e. IFE devices that are no

longer needed, to be removed from a plane for safety issues, such as unnecessary fuel consumption, for example.

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify **the combination of Inselberg and Wakai** in view of **Official Notice** to exchange the newly ordered IFE devices with the IFE devices already stored on the plane, which were not requested or considered to be obsolete or having contained outdated entertainment.

22. In regards to **claim 9**, **the combination of Inselberg and Wakai** discloses transferring the additional requested items from one location to another **(Maskell; Page 3 Allocation of products in short supply)**.

However, **the combination of Inselberg and Wakai** fails to explicitly disclose that the delivering is carried out by a truck or a catering service.

However, **Official Notice** is taken that there are various methods of delivering items and, as a result, it would have been obvious to one having ordinary skill in the art that delivering items in a truck are just one of the many methods of delivery.

Further still, the Examiner asserts that the fact that the delivery is performed by a catering is nonfunctional descriptive subject matter. In other words, the fact that it is a catering service providing the delivery service does not affect how the rental and distribution process is carried out and adds little, if anything, to the claim's structure, and, thus, does not serve as a limitation on the claim to distinguish it over the prior art. As claimed, the steps of the invention would be performed the same regardless of who is doing the delivery.

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify **the combination of Inselberg and Wakai** in view of **Official Notice** to deliver the requested items in a truck in the event that a large delivery is required.

23. In regards to **claim 15**, **Inselberg** discloses:

accepting payment and credential information at the pickup location in exchange for rental of a self-contained entertainment device for use during an event **(Col. 5 lines 20 – 37)**;

receiving the self-contained entertainment device at a drop-off location after the event in exchange for a return acknowledgement **(Col. 5 Lines 27 – 32; wherein the devices are returned)**.

However, **Inselberg** fails to explicitly disclose a method comprising:

determining if any number of a plurality of self-contained in-flight entertainment devices stored at a pickup location require deletion of stored audiovisual presentations and addition of other audiovisual presentations and if so, delivering a quantity of the other self-contained in-flight entertainment devices having the other audiovisual presentations stored to the pickup location for exchange with the any number of self-contained in-flight entertainment devices requiring deletion of store audiovisual presentations; and

wherein the self-contained entertainment devices are for in-flight use.

Inselberg discloses that the entertainment devices can be used at a variety of locations and events without changing the teaching of renting out entertainment devices

to customers. In other words, the location does not change how the method carries out the rental.

However, for purposes of expediting prosecution **Wakai** discloses that it is old and well known for airlines to have in-flight entertainment and to rent the devices for enjoying the in-flight entertainment.

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify the teachings **Inselberg** to include in-flight entertainment, as taught by **Wakai**, in order to expand their audience.

However, **the combination of Inselberg and Wakai** fails to disclose:

determining if any number of a plurality of self-contained in-flight entertainment devices stored on board the aircraft require deletion of stored audiovisual presentations and addition of other audiovisual presentations and if so, delivering a quantity of the other self-contained in-flight entertainment devices having the other audiovisual presentations stored to the aircraft for exchange with the any number of self-contained in-flight entertainment devices requiring deletion of store audiovisual presentations.

However, **Wakai** does disclose that the in-flight entertainment devices can be preloaded with entertainment, such as movies, video games, and etc. As a result, **Official Notice** is taken that it would have been obvious to one having ordinary skill in the art to exchange the newly ordered IFE devices with the IFE devices already stored on the plane which may be obsolete or having contained outdated entertainment. That is to say, it is old and well known for unnecessary weight, i.e. IFE devices that are no

longer needed, to be removed from a plane for safety issues, such as unnecessary fuel consumption, for example.

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify **the combination of Inselberg and Wakai** in view of **Official Notice** to exchange the newly ordered IFE devices with the IFE devices already stored on the plane, which were not requested or considered to be obsolete or having contained outdated entertainment.

24. In regards to **claim 16**, **the combination of Inselberg and Wakai** discloses wherein the pickup location is onboard the aircraft **(Wakai Col. 1 Lines 21 – 23)**.

25. In regards to **claim 17**, **Inselberg** fails to disclose wherein the pickup location is a kiosk counter or a gate counter **(Col. 5 Lines 60 – 32)**.

Moreover, the Examiner asserts that it would have been obvious to one having ordinary skill in the art that if the device is rented at the origination airport it would have been common sense for the device to be returned at the destination airport. Further still, one having ordinary skill in the art would have found it obvious from the teachings of **Wakai** that the location of where the IFE devices are picked up and dropped off are performed at two different airports **(Col. 1 Lines 21 – 23)**. In other words, **Wakai** discloses that if the customer is interested in an IFE device the customer may rent the device and one having ordinary skill in the art would naturally have found it obvious for the customer to return the IFE device at the end of the trip.

Furthermore, the Examiner asserts that the pickup location and drop off location are at counters of two different airports to be considered to be nonfunctional descriptive

subject matter. That is to say, the location of where the pickup location adds little, if anything, to the claim's structure, and, thus, does not serve as a limitation on the claim to distinguish it over the prior art. As claimed, the steps of the invention would be performed the same regardless of the location. As is taught by **Wakai**, one having ordinary skill in the art would have found it obvious that the locations of where a customer receives the IFE device would be different from the location of where the IFE device is to be handed in.

Response to Arguments

26. Applicant's arguments with respect to **claims 1 – 1 7** have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

27. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure can be found in the PTO-892 Notice of References Cited.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerardo Araque Jr. whose telephone number is (571)272-3747. The examiner can normally be reached on Monday - Friday 8:30AM - 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Janice Mooneyham can be reached on (571) 272-6805. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/G. A./
Examiner, Art Unit 3689
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